

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

NICHOLAS JAMES MCGUFFIN and S.M.,

Plaintiffs,

v.

MARK DANNELES; PAT DOWNING;
SUSAN HORMANN; MARY KRINGS;
KRIS KARCHER; SHELLY MCINNES;
RAYMOND MCNEELY; KIP OSWALD;
MICHAEL REAVES; JOHN RIDDLE;
SEAN SANBORN; ERIC SCHWENNIGER;
RICHARD WALTER; CHRIS WEBLEY;
ANTHONY WETMORE; KATHY
CRAIG ZANNI; DAVID ZALAVA; JOEL D.
SHAPIRO as administrator of ESTATE
OF DAVE HALL; VIDOCQ SOCIETY;
CITY OF COQUILLE; CITY OF COOS
BAY; COOS COUNTY; and OREGON
STATE POLICE,

Defendants.

Case No. 6:20-cv-01163-MK
(Lead Case)

ORDER

WILCOX;

MCSHANE, Judge:

Magistrate Judge Mustafa T. Kasubhai filed a Findings and Recommendation (ECF No. 128), and the matter is now before this court on Plaintiffs and Defendants objections. *See* 28

U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72. I review *de novo*. *United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude the report is correct.

Magistrate Judge Kasubhai's Findings and Recommendation (ECF No. 128) is adopted in full. Oregon State Police's motion for partial dismissal (ECF No. 120) is GRANTED in part and DENIED in part, consistent with Judge Kasubhai's Findings and Recommendation. The Court clarifies that the First Claim for Relief: 42 U.S.C. § 1983 – Unconstitutional Policies, Practices, and Customs of Defendant Oregon State Police – in the Complaint for Damages (ECF No. 1) for the trailing case, 3:21-cv-1719-MK, is DISMISSED with prejudice. State Defendants' motion for partial dismissal (ECF No. 104) is GRANTED in part and DENIED in part, consistent with Judge Kasubhai's Findings and Recommendation. Municipal Defendants' motion for partial dismissal (ECF No. 105) is DENIED, consistent with Judge Kasubhai's Findings and Recommendation. Vidoq Defendants' motion for partial dismissal (ECF No. 106) is GRANTED in part and DENIED in part, consistent with Judge Kasubhai's Findings and Recommendation.

Plaintiffs are granted leave to file an amended complaint within thirty days.

IT IS SO ORDERED.

DATED this 28th day of December, 2022.

/s/ Michael J. McShane
Michael McShane
United States District Judge